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C O P Y

DEPARTMENT OF STATE

Office of the Controller

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May 26, 1955

MEMORANDUM FOR: U/OP - Mr. Higgs

Through: O - Mr. Henderson

SUBJECT: Files

In response to your memorandum of March 2, 1955 to Mr. Henderson, you are advised as follows:

1. Memoranda and similar documents furnished you by other agencies on an informal basis which, in effect, remain the property of the agencies concerned, are not considered as being part of the files of the Department of State and are not subject to publication, access by other Departmental officials except as you or higher authority so authorizes, storage or other disposition by the Department.
2. Memoranda and similar documents prepared in your office under your direction or the direction of higher authority, are prepared as result of the exercise of official status and hence must be regarded as part of the official records of the Department of State within the meaning of Section 181.1(d) of the Departmental Regulations which defines "Records" as:

"official memoranda, position papers, and classified studies prepared in the Department".

However, these files may be retained in your custody and will not be considered as available for publication, access, storage or other disposition except as authorized by the Under Secretary. Furthermore, as set forth in Section 184 of the Department's Regulations, provision is made for the transfer out of the Department of its records. Specifically, Executive Order 9784 and Bureau of the Budget Circular A-23 of June 12, 1947, and Section 184.4, provides authority and procedures for transfer of records to another Federal agency. (See attached references.)

A request for the transfer of the records under reference should be made in accordance with Section 184.41, except that the description requirement may be met by a code name to preserve the sensitivity of the reference files.

I believe that this procedure meets your requirement but still meets the requirements of law and regulation regarding official records.

/s/ I. W. Carpenter, Jr.

Attachments: As stated above.

State Dept. declassification & release instructions on file

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